

No. 359, A.]

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CHAPTER 288

AN ACT to amend 322.02 (1), 322.03 (1) and 322.04 (2), (3) and (11) of the statutes, relating to procedure in adoption proceedings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 322.02 (1) of the statutes is amended to read:

322.02 (1) Upon the filing of a petition for adoption the court shall cause an investigation to be made of the environment and antecedents of the person to be adopted to ascertain whether he is a proper subject for adoption, and of the home of the petitioner to determine whether it is a suitable home. The investigation shall be made by a licensed child welfare agency * * *, the state department of public welfare, a *public welfare agency, a public agency or by some other person*, as the court directs.

SECTION 2. 322.03 (1) of the statutes is amended to read:

322.03 (1) The court shall appoint a time and place for hearing the petition, and shall allow a reasonable time, for the investigation required by s. 322.02. Notice of the hearing shall be mailed to the * * * agency making such investigation *and to the child welfare agency or the state department of public welfare if consent or recommendation and report are required according to s. 322.04 (2), (3), (5) and (6)*, and proof thereof shall be filed. If the hearing is not had at the time appointed, it shall stand adjourned. The court may, upon its own motion or upon the motion of an interested person, fix another time for the hearing and upon such hearing may grant or deny the petition or grant a further adjournment.

SECTION 3. 322.04 (2), (3) and (11) of the statutes are amended to read:

322.04 (2) If the parental rights of one parent have been judicially terminated, the consent of the other is sufficient; but if the parental rights of both parents or the surviving parent or the mother of an illegitimate minor have been so terminated, adoption may be granted on receipt of a report and recommendation of the state department of public welfare, or if the permanent care, custody or guardianship of the minor has been judicially transferred to the * * * *state department of public welfare* or to a licensed child welfare agency or county home for dependent children, then on the consent of the

department (as to children committed to said * * * *department*) or of such agency or home.

(3) If the minor has no living parent or if a nonresident parent has executed a written release, valid at the time of its execution, of the custody of the minor, adoption may be granted on receipt of a report and recommendation of the state department of public welfare, or if the permanent care, custody or guardianship of the minor has been judicially transferred to the * * * *state department of public welfare* or to a licensed child welfare agency or to a county home for dependent children then on consent of the department (as to children committed to said * * * *department*) or of such agency or home. If the minor is a nonresident the report and recommendation of the state department of public welfare are required.

(11) Pursuant to s. 46.016 the state department of public welfare is authorized to co-operate with the federal displaced persons commission under the displaced persons act of 1948, as amended. Whenever any minor child is brought to this state pursuant to the displaced persons act and available for adoption, the department or a licensed child-placing agency shall file a petition alleging that fact with the juvenile court of the county in which such child is placed, and the court shall thereupon make an order committing the said child to the department as its guardian or to a licensed child-placing agency until it becomes of age or is adopted. Any such child may be adopted pursuant to this section, except that a certification of the displaced persons commission *or of the state department of public welfare* stating that such child is available for adoption shall be in lieu of any further proof of death of parents, valid release by parents, termination of parental rights, or any other similar requirements.

Approved June 16, 1953.
